

REMARKS

Claims 1-29 are pending. By this Amendment, claim 22 is amended and claim 24 is cancelled. Following entry of this Amendment, claims 1-23 and 25-29 will be pending. No new matter will be incorporated into the present application by entry of this Amendment. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

The Examiner rejected claim 20 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,664,515 to Hattori et al. (hereinafter “Hattori ‘515”). Applicant respectfully traverses this rejection.

Claim 20 calls for, inter alia, “an air ventilation system comprising means for circulating air in the hull of the watercraft”. This element of claim 20 is claimed as a means plus function element and thus must be construed according to 35 U.S.C. §112, sixth paragraph. Means plus function limitations are construed to cover the structure described in the specification that performs the recited function and equivalents thereof. The specification discloses several embodiments of this means. With reference to Figure 3 of the subject application, the means includes first and second pipes 112 and 114 generally extending side-by-side from the first side 106 of the watercraft over the fuel tank 110 and centerline 104 of the watercraft to the second side 108 of the watercraft. As stated in the specification of the subject application:

[t]he layout of the air ventilation system is desirable over previous arrangements in which the intake ports are located on both sides of the watercraft because if the watercraft is inverted in the water, the operator can roll the watercraft back over without acquiring a detrimental amount of water in the bottom of the hull. The layout of the ventilation system is also desirable from a manufacturing and serviceability perspective. Positioning the air intake port of the first pipe and the air intake port of the second pipe on the same side of the watercraft allows a single in-line assembly worker to attach the ports to the hull at a quicker pace and

provides more space on the other side of the watercraft for a second assembly line worker to assemble other components of the watercraft. Also, because the first and second pipes 112, 114 are located substantially side-by-side throughout the hull, clutter within the watercraft is minimized which makes servicing the watercraft easier. Thus, the layout of the ventilation system allows the ventilation system to be packed in a tight space and thus occupy less space. (See page 7, lines 3-14)

Another embodiment is described with reference to Figure 4 where again first and second pipes generally extend side-by-side from a first side of the watercraft. The first pipe 112 extends around the front of the fuel tank 110 to the first side of the hull 106 where its outlet port 118 is located.

Hattori '515, however, as the Examiner correctly notes, discloses an air circulation system that has a first and a second pipe, each having an intake port located on opposite sides of the watercraft, not on the same side as called for by claim 20. In addition, Hattori '515 does not disclose an equivalent structure to the means recited by claim 20. The subject application states that having the layout of the air ventilation system as disclosed in the subject specification is desirable over previous arrangements in which the intake ports are located on both sides of the watercraft. Thus, for at least these reasons, Applicant believes claim 20 is patentable over Hattori '515 and respectfully requests that the Examiner withdraw the rejection.

The Examiner also rejected claims 22-24 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,322,409 to Hattori et al. (hereinafter "Hattori '409"). The Examiner states that Hattori '409 discloses an air ventilation system that consists of a single first pipe with an intake port located on a first side of the deck of the watercraft and an outlet port located on a second side of the watercraft. Applicant has amended claim 22 to call for, inter alia, "an air ventilation system consisting of a sole first pipe having an intake port and an outlet port, the intake port located on the first side of the watercraft and the outlet port located on the second side in the

bottom third of the hull of the watercraft”. Hattori ‘409 does not disclose all of the features of amended claim 22. With reference to Figure 1, the pipe 56 of the Hattori ‘409 ventilating system does not have an outlet port located on the second side in the bottom third of the hull of the watercraft. Thus, for at least these reasons, Applicant believes independent claim 22 and claims depending thereon are patentable over Hattori ‘409 and respectfully requests that the Examiner withdraw the rejection.

The Examiner also rejected claims 1-8, 10-18, 21, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over Hattori ‘515. The Examiner states that Hattori ‘515 discloses all of the features of the claims except for the use of first and second pipes with adjacent intake ports on a first side of a watercraft and outlet ports on a second side of the watercraft, as well as first and second pipes that extend substantially side-by-side through the watercraft. It is the Examiner’s position that the use of first and second air ventilation pipes with adjacent intake ports on a first side of a watercraft and outlet ports on a second side of the watercraft would be considered by one of skill in the art to be a design choice. The Examiner also believes the use of first and second air ventilation pipes that extend substantially side-by-side through a watercraft would be considered a design choice. Applicant respectfully disagrees with the Examiner’s position that these features would be considered by one of skill in the art to be design choices.

Independent claims 1 and 10 call for, inter alia, the first and second pipes to have an intake port located on the first side of the watercraft and an outlet port located on the second side of the watercraft. Independent claim 27 calls for, inter alia, the first and second pipes to have an intake port located on a first side of the watercraft and the first pipe to have an outlet port located on a second side of the watercraft and the second pipe to have an outlet port located on the first

side. The Examiner's attention is called to the fact that with respect to claim 27, the outlet ports are located on different sides of the watercraft, not the same side.

With respect to independent claims 1 and 10, Hattori '515 discloses an air circulation system that has a first and second pipe having intake ports located on opposite sides of the watercraft, not on the same side as called for by claims 1 and 10. While it is true that matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish a claimed invention, contrary to the Examiner's assertion, the use of first and second pipes with intake ports located on a first side of the watercraft is not an obvious design choice because it has functional significance. As stated in the subject application, the claimed layout is desirable over previous arrangements in which the intake ports are located on both sides of the watercraft (See page 7, lines 3-14). Applicant respectfully requests the Examiner to withdraw the rejections with respect to independent claims 1, 10, 27 and claims dependant thereon.

Claim 21 is dependant upon claim 20 and is believed to be patentable for at least the same reasons already given with reference to claim 20. Applicant respectfully requests the Examiner to withdraw the §103(a) rejection of claims 21.

The Examiner also rejected claims 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Hattori '409. Claims 25 and 26 are dependant upon claim 22 and are believed to be patentable for at least the same reasons already stated with reference to claim 22. Applicant respectfully requests the Examiner to withdraw the rejections of claims 25 and 26.

Finally, the Examiner rejected claims 9, 19 and 29 under 35 U.S.C. 103(a) as being unpatentable over Hattori '515 in view of U.S. Patent 6,139,381 to Suzuki et al. (hereinafter "Suzuki"). Claim 9 is dependent on independent claim 1. Claim 19 is dependent on independent

claim 10. Claim 29 is dependent on independent claim 27. Applicant believes the claims 1, 19, and 27 and all claims depending therefrom are patentable over Hattori '515 for at least the reasons discussed above with reference to claims 1, 10 and 27. Applicant respectfully requests the Examiner to withdraw the rejections of claims 9, 19 and 29.

In view of the foregoing, it is submitted that claims of application are in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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